

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CONVERGEN ENERGY WI, LLC and
THEODORE HANSEN,

Plaintiffs,

v.

Case No. 20-C-823

CONVERGEN ENERGY LLC,
L'ANSE WARDEN ELECTRIC COMPANY, LLC, and
LIBRA CAPITAL US, INC.,

Defendants.

ORDER

On May 14, 2020, Defendants filed suit in the Southern District of New York (S.D.N.Y.) to force rescission of an acquisition agreement involving Convergen Energy WI, LLC. On June 2, 2020, Plaintiffs sued in this court for a declaratory judgment to enforce the agreement. In August 2020, I stayed this action pending a motion to dismiss before the S.D.N.Y., and further ordered the parties to notify this court upon a decision of the S.D.N.Y. Dkt. No. 20. In a decision dated September 20, 2020, S.D.N.Y. treated the motion to dismiss as a motion to compel arbitration, granted the motion to compel arbitration and denied the motion to dismiss as moot. Dkt. No. 21-1. Plaintiffs have requested that this action remain stayed pending the resolution of arbitration. Dkt. No. 21.

The SDNY decision compels all parties to enter into binding arbitration for disputes arising in connection with the agreement, including the dispute brought before this court. There appears to be no reason to continue this action, even under a stay. Once arbitration is complete, the parties are free to commence an action to either enforce or vacate the award, but that would be a new action. It makes little sense for this case to remain pending in two separate courts when there is no further action for either court to take on the original claims.

IT IS THEREFORE ORDERED that this action is ordered dismissed without costs to either party. The Clerk is directed to enter judgment accordingly.

Dated at Green Bay, Wisconsin this 8th day of October, 2020.

s/ William C. Griesbach
William C. Griesbach
United States District Judge